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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 SEATTLE DIVISION
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12 SECURITIES AND EXCHANGE COMMISSION, No. 2:17-cv-01344

13 Plaintiff,

14 v.

15 BRETT KENNEDY, MAZIAR REZAKHANI, and
16 SAM SADEGHI,

17 Defendants.
18
19

~~PROPOSED~~ FINAL JUDGMENT AS TO
DEFENDANT BRETT KENNEDY

20 The Securities and Exchange Commission having filed a Complaint and Defendant Brett
21 Kennedy ("Kennedy" or "Defendant") having entered a general appearance; consented to the
22 Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of
23 this Final Judgment; waived findings of fact and conclusions of law; and waived any right to
24 appeal from this Final Judgment:

25 I.

26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
27 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
28 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5

1 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
2 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
3 connection with the purchase or sale of any security:

4 (a) to employ any device, scheme, or artifice to defraud;

5 (b) to make any untrue statement of a material fact or to omit to state a material fact
6 necessary in order to make the statements made, in the light of the circumstances
7 under which they were made, not misleading; or

8 (c) to engage in any act, practice, or course of business which operates or would
9 operate as a fraud or deceit upon any person.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
11 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
12 receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's
13 officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or
14 participation with Defendant or with anyone described in (a).

15 II.

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
17 is liable for disgorgement of \$10,000.00, representing profits gained as a result of the conduct
18 alleged in the Complaint, together with prejudgment interest thereon in the amount of \$875.36.
19 Defendant shall satisfy this obligation by paying \$10,875.36 to the Securities and Exchange
20 Commission within 14 days after entry of the Final Judgment.

21 Defendant may transmit payment electronically to the Commission, which will provide
22 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly
23 from a bank account via Pay.gov through the SEC website at
24 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank
25 cashier's check, or United States postal money order payable to the Securities and Exchange
26 Commission, which shall be delivered or mailed to

27 Enterprise Services Center

28 Accounts Receivable Branch

1 6500 South MacArthur Boulevard
2 Oklahoma City, OK 73169

3 and shall be accompanied by a letter identifying the case title, civil action number, and name of
4 this Court; Kennedy's name as a defendant in this action; and specifying that payment is made
5 pursuant to this Final Judgment.

6 Defendant shall simultaneously transmit photocopies of evidence of payment and case
7 identifying information to the Commission's counsel in this action. By making this payment,
8 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part
9 of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant
10 to this Final Judgment to the United States Treasury.

11 The Commission may enforce the Court's judgment for disgorgement and prejudgment
12 interest by moving for civil contempt (and/or through other collection procedures authorized by
13 law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post
14 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

15 III.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
17 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant
18 shall comply with all of the undertakings and agreements set forth therein.

19 IV.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of
21 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the
22 allegations in the complaint are true and admitted by Defendant, and further, any debt for
23 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this
24 Final Judgment or any other judgment, order, consent order, decree or settlement agreement
25 entered in connection with this proceeding, is a debt for the violation by Defendant of the federal
26 securities laws or any regulation or order issued under such laws, as set forth in Section
27 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).
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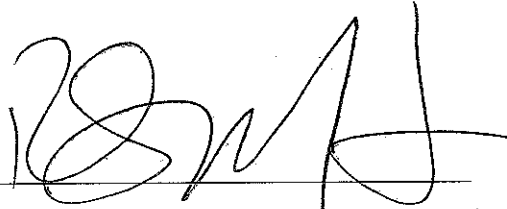
V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated this 10th day of October, 2017.


UNITED STATES DISTRICT JUDGE

1 Presented by:

2 /s/ Sallie S. Kim

3 Sallie S. Kim (Conditionally Admitted Pursuant to LCR 83.1(c)(2))

4 Securities and Exchange Commission

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6 *Attorney for Plaintiff Securities and Exchange Commission*

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